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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,  
  
Plaintiff,  
  
v.  
  
GOOGLE INC.,  
  
Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF BRIAN C. BANNER  
IN SUPPORT OF DEFENDANT GOOGLE  
INC.S' REPLY IN SUPPORT OF THE  
SECOND MOTION TO STRIKE  
PORTIONS OF THE MITCHELL  
PATENT REPORT**

Date: October 13, 2011  
Time: 8:00 a.m.  
Courtroom: 9, 19th Floor  
Judge: The Honorable William Alsup

Trial Date: October 31, 2011

1 I, BRIAN C. BANNER, declare as follows:

2 1. I am an associate in the law firm of King & Spalding LLP, counsel for defendant  
3 Google Inc. ("Google") in this case. I submit this declaration in support of Google's Reply In  
4 Support of the Second Motion To Strike Portions of Mitchell Patent Report. I make this  
5 declaration based on my own personal knowledge. If called as a witness, I could and would  
6 testify competently to the matters set forth herein.

7 2. Attached to this declaration as Exhibit F is a true and correct copy of the United  
8 States Patent and Trademark Office's Interview Summary in connection with *Ex Parte* Re-  
9 examination 90/011,489 of U.S. Patent No. 6,061,520 (highlights added).

10  
11  
12 I declare under penalty of perjury that all the foregoing facts are true and correct and that  
13 this declaration was executed on October 6, 2011 in Austin, Texas.

14 /s/ Brian C. Banner /s/

15 Brian C. Banner

16  
17 I hereby attest that Brian C. Banner concurs in the e-filing of this document.

18 Dated: October 6, 2011

19 /s/ Mark H. Francis /s/

20 Mark H. Francis